

JOINT MEETING OF THE  
HAMILTON COUNTY BOARD OF COMMISSIONERS  
AND  
HAMILTON COUNTY COUNCIL  
AUGUST 10, 2004

The Hamilton County Board of Commissioners and Hamilton County Council met on Tuesday, August 10, 2004 at the Cool Creek Nature Center, 2000-1 East 151st Street, Carmel, Indiana. Commissioner President Dillinger called the meeting to order and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. Council President Jim Belden called the Hamilton County Council meeting to order and declared a quorum present of Councilor Jim Belden, Councilor Meredith Carter, Councilor John Hiatt, Councilor Judy Levine, Councilor Rick McKinney and Councilor Steve Schwartz. Councilor Jim Wallace was absent.

**Juvenile Detention Center Update:** [Tape 1, #25]

Mr. Larry Dawson stated the Juvenile Detention Center has been divided in to three phases, 1) Design - council loaned the project \$2.5 million and it is within budget. Majority of design work will be completed this week. Bids will be opened September 8, 2004 and to commissioners for award on September 13, 2004. 2) Site - council loaned \$3 million to the project and it is within budget. Site work is 88% complete. The pond on the east side of SR 37 needs to be finished. When the construction is bid and the bonds are sold the county will be reimbursed for the monies loaned with an estimated repayment date of November 1, 2004. Facility opening is anticipated for the Fall 2006.

Holt asked if there is a shelf on the pond? Dawson stated there is a safety shelf of 5' wide all around the pond. Maximum depth is 16'. Holt asked if there is any near term plan for the use of that ground? Dawson stated no. Holt asked if there is any plan to fence it? Dawson stated there is none in the design. Holt would like to make it a low impact park. Holt suggested looking at the contingency funds and ask the Hamilton County Parks Department to give us a proposal with a possible year to year lease. Dillinger asked Mr. Al Patterson if the parks department would be interested in making this area a passive type park? Patterson stated they already maintain it, as far as having a presence that would not be an issue, that would be a benefit. He would have to discuss it with his board, but they would probably be interested. It could be a recreational pond. Patterson will put a proposal together. Patterson asked if there is money available for plantings? Holt stated possibly out of contingency. Holt stated think low impact. Hiatt asked if that area would be big enough for fire department training? Patterson stated yes.

Belden stated the council was brought up to date on the Juvenile Detention Center at their last meeting. The council is concerned about what kind of operational expenses there will be. Altman stated the council would like to come up with a business plan by the end of the year on operations in terms of costs to rent beds, transportation, and programming. The current facility will remain open, which they believe they can maintain and operate with existing staff. Captain Stevens stated in today's market the newer facilities do offer transportation. Belden stated we estimate if we fill half of the facility it would bring income of \$500,000. We currently spend \$10,000 per week.

**Animal Shelter:** [Tape 1, #715]

Dawson stated Cripe is the architect for the animal shelter. The building is under redesign to stay within the \$2.5 million budget and will be located directly south of Household Hazardous Waste building with visibility from Pleasant Street. Construction could begin in Spring 2005 and could be ready for occupancy in six months. We will look primarily at animal control and look at as much adoption and spay-neuter that we can fit within that budget. Levine asked if the commissioners have met with other units of government regarding animal control? Altman stated as part of the operating agreement there will be a sole contracting entity with the humane society on that building. We will open the doors to any municipality that cares to participate with the operating costs on a pro-rata basis, there will not be any separate entities cutting deals, it is a county facility. Dillinger stated Mike Howard presented the commissioners with the first draft of the humane society agreement. We have stipulated we have at least an annual full financial disclosure, 90 days cancellation clause and the definition of animal changes to "any unwanted animal". Holt stated he visualizes the agreement will be sent in it's final form to the humane society after the August 23rd commissioners meeting. Altman stated the barns currently located on the proposed site will be torn down. We need to look at the possibility of an inexpensive pole barn for HHW storage. Levine stated the Extension and 4-H are still concerned about the trash that blows over the property during the weekend. Altman stated we discussed fencing to avoid that, but it was ludicrous to spend the money for fencing when we are revising the entire site plan. We know it is an issue, but until we get the design finalized there is nothing we can do about it. Dawson stated they will be visiting the HHW facility to coordinate the design.

**Downtown Parking Issues:** [Tape 1, #1335]

Mr. Fred Swift presented figures, collected over the past year, regarding downtown parking:

- \*Approximately 1,000 people enter the Judicial Center daily
- \*Approximately 275 employees enter in the Judicial Center side doors daily
- \*350 employees park in the county lots or pay to park in a city lot
- \*241 parking spaces are available in two county lots
- \*Health Department estimates 250 people visit weekly
- \*City lot is filled with people who pay to park or prospective jurors
- \*If there are 2 or more trials with a 12 member jury, there could be 90 or more people. If there is no parking they park at Krogers and walk to the Judicial Center
- \*Surveyor estimates 100+ people a week visit his office
- \*Have 6 handicapped spots and 8 visitor spots in the south lot

Levine stated we are going as fast as we can with E-government and the capability of downloading forms so people do not have to come to the buildings. Dillinger stated Noblesville's Parking Committee had a study done and looked at various places for parking. There have been no conclusions but some of the ideas are to purchase the Shell station and make it a parking lot. Possibly build a parking garage with the first floor as retail, the second floor for government offices, other floors for parking and request a walkway over US 32 from the State. We are looking at private industry to build the garage and the county and city will lease space. Noblesville is interested in possibly trading the north lot for other city lots. Mr. Meredith Carter stated you are looking at spending \$12,000-\$15,000 per space. There would have to be a revenue stream. Altman stated there are law firms that would expand to Noblesville if there is property. Dillinger stated the committee looked at charging to park but people are not going to pay to park to shop in downtown Noblesville. Holt stated we have discussed the possibility of taking the Health Department, Planning and Surveyor to 10th Street next to the highway department. That could possibly be a low cost alternative because it would eliminate a need for a parking garage downtown. Altman reminded everyone to keep in mind what the legislature may be doing in regards to assessing function of government. We spend a lot of money now with the remote assessing offices in terms

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of leases and personnel duplication. If we bring the assessing back to the courthouse on the county level, we could save significant costs.

Dillinger stated we are going to move human resources, safety risk management and the planning department to the law library at little or no costs. The basic law library will move to the public library. We will use bookcases as dividing walls and eventually this space will revert back to the courts. We are not putting much money in it, but this defers us from having to spend a lot of money to get additional space. This will allow for the prosecutor's expansion, which will be permanent. Altman stated she has committed to the judges that she would work with the county council to put an expansion plan in place. Dillinger stated by making this temporary move, it will buy us time to look at the parking situation and we won't have to rush in to alternatives. Dillinger stated the city will participate in whatever the county does and they have discussed diverting some TIF dollars to the project. Possible budgeting may be needed in 2006.

Dillinger called a recess.

Dillinger called the meeting back to order.

**Highway Update:**

**Hazel Dell Road Project:** [Tape 2, #838]

Mr. Brad Davis stated the Hazel Dell Road project is on hold pending financing for drainage work that needs to be done. The final design is 50% complete, once design is complete we will move to the right of way phase. Dillinger stated the federal funds for the 146th Street and Hazel Dell projects were delayed. The projected cost of the Hazel Dell project is estimated at \$11.5 million, which will be shared with the City of Noblesville. Dillinger stated the agreement the county has with Noblesville is that the county will take charge of the road but whatever percentage of the road that is annexed by Noblesville, they will be responsible for the repayment of that portion of the road. Altman stated as the road is developed we will get free right of way through exaction. Dillinger stated it is an important road and to coordinate it with the state redoing the intersection at SR 32 and Little Chicago Road and Noblesville expanding Little Chicago Road to four lanes, which all needs to come together as much as they can. Belden asked if down the road we will need another \$5 million for our share? Dillinger stated it depends on how fast the developers work and if we get the federal money we have tried to get. Davis stated it is projected that there be a bond issue with the debt service paid proportionately between the county and Noblesville for construction of the project.

**146th Street Extension Project:**

Davis stated we are proceeding with the 146th Street Extension project. We have three consultants that are currently working on the design. There is \$1 million of federal funds earmarked for this project. We have been through the process of getting the monies released to us. The Federal Highway Administration has given us an authorization date of August 6th which means after that date expenses we are incurring for preliminary engineering can be reimbursable from the \$1 million. There will be some reserve held from the \$1 million. We have to complete an agreement between the county and INDOT and until that happens we can not submit any invoices for reimbursement. We are looking at a possible late 2006 letting date with completion in 2008, provided we can make up the difference for construction. Howard stated there are two separate \$4 million requests, one is for Noblesville to do the Boden Road extension and SR 238 from Boden Road to Exit 10. There is another \$4 million that is penciled in that is for the project to the west. Altman stated we are still looking at a bond issue if we have to with TIF catching up to repay down the road.

**White River Bridge:**

Dillinger stated there are no specific plans at this time for an additional bridge over White River. We are always looking for a place to build another bridge.

**Federal Dollars Update:**

Davis stated Congress has not signed the Federal Highway Bill which has affected Indiana. Hamilton County has submitted applications to the MPO for funding and the MPO will take no action because of the lack of a highway bill. We will have to resubmit the county projects in the Fall. We tried to get the intersections of 96th Street and Olio in 2004 and two intersections in the section of 96th between Mollenkopf and Fall Creek. Projects that have been submitted to INDOT are Lamong Road at 236th Street and a couple of bridges, but we have not heard anything.

Levine and Altman stated we need to take another trip to Washington D.C., after the election. Holt agreed.

Dillinger stated the commissioners have met with Fishers, Carmel, Noblesville and Sheridan to discuss their concerns regarding road projects. We have not met with Westfield due to the annexation issues they are involved with currently. We hope to meet with them once things settle down.

**2005 Highway Projects:** [Tape 2, #1903]

Davis reviewed the 2005 Proposed Transportation Improvement Projects. Levine stated Fishers is still under the impression that the county is not availing ourselves to a funding opportunity in the way lease rentals backed by property tax. Levine stated she has tried to explain to Fishers that the county can not use property taxes to back road projects. Howard stated cities and towns have that ability, the county can not. Mr. Mike Booth stated there seems to be an ongoing issue as to whether legally there can be any creative financing regarding the county. There is research going on and Fishers will try to provide the county with a letter of recommendation on the funding. Levine stated to the best of our knowledge there is no funding capability with property tax backing on the county level. If Fishers finds anything they will forward the information on to the county.

**Village Park TIF:**

McKinney asked if there is a possibility of extending the Village Park TIF? Howard stated they are in conversations with Westfield. The bonds are paid off with the 2005 tax collection. When looking at the COIT issues your debt service on 146th Street the revenue stream is COIT of approximately \$4 million a year. This year we anticipate the excess collections from Village Park over and beyond the Village Park Bonds will be over \$1 million which goes in to the sinking fund to pay debt service on 146th Street. If the bonds are extended then part of the negotiation will be how much of that extra money goes to pay off the Village Park Bond. Westfield has things they want to do in that area. We are also looking at putting something in there for the schools. Altman stated we need to be cognizant of what the state has proposed for US 31, which may go through the Village Park area. Altman stated Brad Davis has requested the state include improving north-south roads that currently exist on each side. Howard suggested Davis meet with Westfield. McKinney asked who has to approve the extension? Howard stated the extension of the

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TIF would take an interlocal agreement approved by the county council, Westfield Town Council and the county commissioners.

**Juvenile Detention Center Financing:** [Tape 3, #155]

Howard stated we have received the order from the Department of Local Government and Finance on the Juvenile Detention Center. Bids will be opened September 8th with the award on September 23rd. Bids will be awarded subject to financing. The project managers and accountants will meet the week before that to start on the official statement, which can not be put in form until the bids are in place. After the bids are in place it will be 4-5 weeks before the bonds are sold. Once the bonds are sold it takes 10 days to close. Once we close there will be a claim from the trustee of the bonds submitted to reimburse the county for all of the funds that have gone out in cash to that date. Estimated funds to date are \$3 million in design and \$3 million in site work.

**Animal Control Shelter Financing:**

Howard stated a draft of a proposed agreement with the Humane Society has been submitted to the commissioners. There should be an operating agreement for discussion within the next week.

**COIT Litigation:** [Tape 3, #280]

Howard stated the county has engaged the firm of Barnes and Thornburg regarding the COIT litigation. Larry Stroebel will be lead counsel, Rich Starkey will be our liaison. The major issue is the confidentiality of the tax returns. Through public records requests we have gained as much information that we can. Levine asked Howard to submit to the Auditor how much money needs to be set aside in the 2005 Budget for the litigation. Ms. Robin Mills stated \$100,000 has been appropriated.

**Annexation Effect on COIT:**

Howard discussed annexation's effect on COIT. Howard stated COIT is distributed on pieces of a pie. The total pie represents the property tax distributions on the abstract to each unit, cities, towns, county, townships, excluding schools. To the extent there is an annexation, then the annexing city and town will receive some additional property tax distribution. Usually in an annexation they are annexing assessed value. In most of the levy's, you have the levy go up some percentage but you divide it in to the assessed value. We have traditionally dealt with farm ground annexations and that farm ground then turns in to houses. While there is an addition of assessed value in to cities and towns, the reduction in the non-incorporated assessed value is non-negotiable. Western Clay Township is a different situation because there is built out, developed area. To the extent that Carmel appeals their levy then that levy will grow at a rate larger than our average levy appealed. As they get more money given to them in property tax, their piece of the pie gets larger. Generally annexations will cut down the size of the county's piece of the pie. Dillinger stated they have discussed the possibility of the legislature increasing the COIT tax to 1 ½ %. This is on the AIC agenda for this year. Both Mayor's are on board and both legislators from Noblesville are on board. Senator Kenley would like a caveat that it could be used for property tax reduction. Levine stated this is probably the fairest way to go. Is there any way to link the increase to road and infrastructure projects? McKinney stated the funding mechanism for that would be the Wheel Tax. Altman stated that ignores that different entities have different needs for their tax money because we have needs for the Sheriff's Department, the jail, the prosecutor, the courts and assessing which are exclusively county jurisdiction. Cities and towns, although they keep getting a larger share of the COIT pie, they do not increase in those areas they increase in those areas where we are already providing services. To tie it to infrastructure would be to tie our hands, unfairly to the services we have to provide that are directly inverse to what happens when they annex. That would not work. It could work for cities and towns, but not for us. Howard stated if this gets introduced, working with your associations will be very important. Dillinger stated this will not be mandatory it will just be legislation to make it permitted use. Altman stated the other back-up, where we would not receive support from cities and towns is reallocating existing COIT dollars based upon services provided. Howard stated if you look at the cities and towns budget you are right, but city budgets are close to the fire and they are volatile. Altman stated cities increase in police protection has a direct effect on the county budget and criminal justice sky rockets. McKinney stated he would like to see us take advantage of what we have already in terms of revenue enhancement or revenue generation and the road and infrastructure tool we have from the state is the Wheel Tax. Dillinger stated if we are to stay above the curve, it is imperative we continue to get the revenues to stay ahead of that curve for infrastructure. We could get dollars from the wheel tax, but is an objectional tax to a lot of people he has spoken with. Altman stated she would rather see them add 1 penny locally on gas tax than wheel tax. McKinney stated he has heard no objection to it. Dillinger stated the COIT tax is the most fair tax, the least objectional tax and gets it to where we need to get.

Dillinger stated the commissioners did turn down the cable franchise fee tax. The reason being there was no correlation between that tax and what we were doing as a governmental entity to charge the tax. We were doing nothing with the cable tax, it was just a way to tax and we did not believe that was right. McKinney stated the county is the only government entity that is not collecting the franchise tax in Hamilton County.

**Comments:** [Tape 3, #1460]

**EMS:**

Hiatt stated he has been contacted by three fire departments wanting to know where the county is going with EMS and Paul Beal has retired from EMS. The five year period is coming to an end and if anyone has any issues that need to be discussed please let him know. The five year period was the deadline we were trying to get all of them moved to their own EMS program, we are not going to make that with the smaller areas. We will be studying where to go with them. Arcadia, Westfield and Sheridan want to talk with us. Holt asked what about Wayne? Hiatt stated that is one we will have to work with. Altman stated the idea of the five year program was to cross train as many fire fighters as possible to make them both firefighters and paramedics. This would lessen the county responsibility in terms of personnel at Riverview. It was never the county's intent to walk away with financial stipend for that service. The county wanted to get out of the personnel and hospital end of it. This is a perfect opportunity for the county to help combine smaller fire departments with operations such as what Noblesville and Clay Township have and see if we can do it on a firefighter basis with continued financial support from the county. All the hospital does is hires them, makes sure they are trained, schedules them and billing. Doug Callahan of Carmel has always offered to do that. If we can get that done locally then we may have to pick up the \$500,000 Riverview absorbs every year, which maybe that goes away because we don't have the personnel costs. With the personnel changes at the hospital it is time to look at it.

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Hiatt stated he has moved in to the middle of the annexation area. They are working with several groups to get it resolved and if anyone has any ideas he would be glad to hear them. If the annexation goes through with western Clay, Carmel will have the highest assessed value and this is something the county needs to look at. Carter stated Carmel is also annexing all of southern Clay Township by 2005.

**White River Clean-Up:**

Schwartz confirmed that the commissioners voted to approve the funding for the White River Clean-up. Altman stated the commissioners approved \$15,000. The money will be used for food, T-shirts and equipment. Howard stated they are anticipating an additional 300 volunteers this year. [Tape 3, #1783] Schwartz recused himself from the vote and discussion. Levine motioned to approve a resolution that we appropriate \$15,000 for the White River Clean-up Project at the county council's September meeting. McKinney seconded. Motion approved (5-0, 1- abstention)

**Budget:**

Belden stated we have worked hard to get a cash balance and it will be all gone. We are going to get \$5 million back from the Juvenile Detention Center and if the COIT situation is not corrected he does not know what we will do. The money will not be there and where do we cut? Dillinger stated the commissioners are doing what we need to do with what we have right now.

Levine stated she agrees with Belden, we don't have the cash reserve we had and she appreciates the work of the commissioners. She is happy to hear that animal control and parking is moving forward.

Carter stated he also appreciates the work of the commissioners. In 2004 the county had income of over \$58 million, in 2005 it will be \$41 million. That is a \$17 million swing in one year. If we continue the same path and nothing changes we will be in the hole \$9 million in 2007. We need to fund insurance, public safety, technology and retirement programs. If there are additional monies that come in later in the year we will look at funding other items. The Finance Committee will continue to work on the budget. Dillinger stated the commissioners are trying to be sensitive to those things, Scott Warner requested another employee for the community corrections facility. We resolved that issue by instructing him to move one employee from the fairgrounds to community corrections. During the fair that person can work at the fairgrounds. We are trying to all work together and have continuity.

Carter asked if there is a possibility that the DLGF will say we have to cut money from the budget? Ms. Robin Mills stated yes, that is always a possibility. Dillinger stated he has defended the council's actions with employees and we need to stick together on this. It is a real issue. Belden stated the elected officials and department heads have worked very hard to be creative with their budgets.

McKinney stated he agrees with what everyone has said but we need to explore creative financing. We need to look at the impact of the debt of Carmel annexations and the entities bonding which effects the county's COIT distribution. McKinney stated he would like to see Carmel and Westfield merge.

Holt stated this has been time very well spent. He is anxious for us to get together after the COIT resolution and then we can do some long range planning for the parking garage and land acquisition for green space, etc.

Dillinger stated communication is extremely important that we understand and know what each body is doing. Hopefully the information shared today will help. Everyone is doing everything they can.

Dillinger adjourned the meeting.

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Present

Christine Altman, Commissioner  
Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
James Belden, Councilor  
Meredith Carter, Councilor  
John Hiatt, Councilor  
Judy Levine, Councilor  
Rick McKinney, Councilor  
Steve Schwartz, Councilor  
Brad Beaver, Councilor Elect  
Robin Mills, Auditor  
Dawn Coverdale, Chief Deputy Auditor  
Kim Rauch, Administrative Assistant to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, County Attorney  
John Culp, Council Attorney  
Dan Stevens, Juvenile Detention Center  
Jeff Marccum, Juvenile Detention Center  
Larry Dawson, Envoy, Inc.  
Brad Davis, Highway Director  
Joel Thurman, Highway Department  
Matt Knight, Highway Department  
Diana Lamirand, Ledger  
Mike Booth, Town of Fishers  
Velda Bennett, Spay-Neuter  
Al Patterson, Parks Department Director

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST

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Robin M. Mills, Auditor

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Date

APPROVED  
HAMILTON COUNTY COUNCIL

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Robin M. Mills, Auditor

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Date